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File No. O. Sarangams/50

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Subject:— Opinions relating to Sarangams

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C O N T E N T S.

Legal Department File No. C. Saranjams / 50

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25/6

Office of the R.L.A.

Saranjam lands claim for compensation by Mr. Tulajajirao S. Bhonsale of Satara.

It is true that accoMding to the Partition Deed between the ancestor of Mr. Tulajajirao and his brother the Chief of Akkalkot State, which was recognized by the East India Company and the succeeding British Government, Mr. Tulajajirao's family was granted not only the saranjam rights of the lands in question but also the revenue in respect of Excise, Coustems, Stamps etc. But the power to recover revenue in respect of Excies, Customs, Stamps etc., was either revoked or suspended by the Ruler of Akkalkot before the State was merged in the Bombay Province. Consequently, if Mr. Tulajajirao had no such right to the revenue in respect of excise, customs, stamps etc., on the eve of the integration or merger of the State with the Bombay Province he cannot be deemed to possess such right and claim any compensation in respect thereof. The lands in his possession will have to be continued as Saranjam lands subject to the same terms and conditions on which he held them under the Partition Deed and these terms and conditions would over-ride the ordinary rules of Saranjam applicable to other Saranjams in the Province.

Id/- (P.M.L.)
17/1
Remembrancer of Legal Affairs.

U.R. to P. & S.D.(through F.D.) No. 545,
dated the 13th January 1950.

R.D.P.
22/6/56

S.C.

Office of the P.L.A.

Annulment of Treaty Saranjams by legislation.

The expression 'Treaty Saranjam' as pointed out in P. and S.D. note is confined to the States in the Deccan and Southern Maratha Country which arose out of the Saranjam grants made by the former Satara Rulers and the Peshwas. These treaties are given in Aitchison's Volume on Treaties and Engagements. They would be the States in the Deccan and Southern Maratha Country. In addition to these there are Saranjam Estates held by persons like Shaikh Mira of Wai. The holder of this particular Saranjam is not a ruler and his Saranjam has been treated as an ordinary Saranjam (I.L.R. 34 Bom. 529). Several other rulers like those of Baroda, Gwalior and Sandur held Saranjam in the Bombay State proper. But they are not treaty Saranjams. The States held by the former class were not the part of British India and although the holders were called Jaghirdars they were, in fact, States held by ruling Chiefs. The question arose in the case relating to the village of Lohakur and the High Court held that the Kurundwad Jaghirdar was a ruling Chief and the village of Lohakur was not a part of the British India (Kurundwad Jaghir v. Secretary of State, 21 Bom. L.R. 370). In regard to other Saranjam Estates which are not treaty Saranjams they are governed by the law applicable to other Saranjams. Some doubt may exist in regard to the estates of Feudatories of Kolhapur such as Bavda, Vishalgad and Ichalkaranji. The Government of India has to give a final decision in the matter.

2. In regard to the Treaty Saranjam i.e. the Deccan and Southern Maratha States, the holders thereof were treated as Indian Rulers and their States have now been merged in the Indian Union and have become a part of the State of Bombay. The treaties under which the so-called Jehagirs were guaranteed have lapsed by virtue of the provisions of section 7 of the Indian Independence Act, 1947. According to the merge agreement and article 362 of the Constitution of India the private property held by the rulers of the States will have to be continued and cannot be subjected to the prompposed legislation for the abolition of Saranjams. It is true that the treaties with the Southern Maratha Chiefs contain clauses by which the rulers had agreed to continue the rights of Dumaldars, Saranjamdars and Inamdars in their respective States. These grants or alienations can, however, be made subject to the proposed legislation. The merger agreements do not contain a guarantee for their continuance and the treaties under which the rulers guaranteed them have lapsed by virtue of the provisions of section 7 of the Indian Independence Act, 1947. The view taken in paras. 3 and 4 of the D.q and S.D. note is correct.

Id/- (J.R.D.J
23/6
Additional Secretary to Government.

U.A. to R.D.No. 8693, dated the 24th June 1950.

R.D.P.
22/6/56

S.C.

11776 dt/10-7-50.

Submitted.

The dispute regarding the Purandhare Estate has been referred to arbitration with the consent of the parties interested but it appears that Shrimati Sumatibai wife of R.S. Purandhare having been dissatisfied with the arbitration proceedings has managed to file Misc. Application 907 of 1949 in the Court of the Joint Civil Judge, Sr.Dn. Poona on behalf of their minor children through one of their relatives with a view to revoke arbitration proceedings. The application was dismissed by the Court but a Revision Application has been filed in the High Court and the latter has issued a stay order upon the Arbitrators. The Collr. of Poona states that they are thus trying to delay the partition of the estate by referring the matter to Civil Court. He is therefore of the view that the regrant of the Saranjam may not be made until the Arbitration proceedings are completed. H. M. (R) is of the view that Shri Purandhare should be informed that in view of this wife's unreasonable behaviour the Saranjam may not be regranted. (p. 40 ante). In view of Rule 5-A of the Saranjam Rules R-P. & S. D. sees no objection to this. The R. L. A. is requested to advise.

R.D.P.
22/6/56

S.C.

Office of the R.L.A.

Saranjam Rule 5-A

Unreasonable behaviour of Shrimati Purandhare in putting obstacles in the way of arbitration would not be a valid ground for action under rule 5-A of the Saranjam Rules, as it would be difficul to argue that any injury to the estate would resul from her such behaviour. It however appears possible to take action under that rule if Government has reason to believe as stated by the Collector in his report at page 48 ante that the estate if granted immediately would be wasted over frivolous litigation to prolong family quarrels.

Id/- (P.M.L.)
23/8
Remembrancer of Legal Affairs.

U.R. to P. & S.D.No. 12076, dated the
24th August 1950

R.D.P.
22/8/56

S.C.

Office of the R.L.A.

As regards the estate in Kolaba District the Commissioner Southern Division, at pp. 147-149 ante, has stated that it has all along been treated by the members of the Shirke family as heritable, partible and alienable at will and as the High Court decision which refers only to villages in the Kolaba District is binding on Government he is of the opinion that the G.R.,P. & R.D. No.821, dated 8-5-36 will have to be cancelled and the grant reclassified as ordinary Inam, heritable, partible and alienable at will. As regards the estate in Ratnagiri District he has stated that he sees no objection to treat the grant in the case of Kutre village also as ordinary inam, heritable, partible and alienable at will as in the case of the five villages in Kolaba District. The R.L.A. in his opinion/ No.1361 dated 18-2-1946, No.4015 dt/29-5-46 and No. 9146 dated 16-12-46 has expressed the same view. There is, therefore, no objection to cancelling orders contained in the G.R. referred to above and reclassifying the grant of villages in Kolaba and Ratnagiri Districts as ordinary inams, heritable, partible and alienable at will. The view taken by the Commissioner Southern Division and P. & S.D. in para 6 of its note, dated 2-8-1950, appears to be correct.

2. As regards villages, viz., Gotane, Chafre, Kodali and Kondule in Patan taluka of the Satara North District, the Commissioner, Central Division, states that as the conditions pertaining to the grant of the Saranjam cannot definitely be ascertained it would be undesirable to declare at this stage that the grant is not a Saranjam but an ordinary Inam of class II. In these circumstances it would not be desirable to alter the character of

the grant of the Shirke Saranjam in the Satara North District. The view taken by the Commissioner Central Division and Political and Services Department in para 7 of its note appears to be correct.

3. In the linked case No. II, Shri Vijaysing Narayan Raje Shirke, the eldest son of the deceased, Shri Narayan Manaji Raje Shirke has requested for making payment to him of the 1/3rd Inam share of the village Kudli of the Kolaba District for the year 1946-47 and onwards. Shri Narayan held 0-5-4 share in this village when he died in 1938. By G.R. P. & S.D. No. 821/34 dated 1-9-1942, it was directed that Shri Narayan's share in Kudli village should be resumed and regranted to the Saranjamdar, Shri Bahirji without any provision being made for the maintenance of the family of the deceased shareholder These orders were issued in accordance with the orders issued in G.R. P.& R.D.No. 821 dated 8-5-1936 and the payment of the Saranjam share of the village was refused to the heirs of the late Shri Narayan. The applicant and his brothers therefore filed a suit against Government in the Court of the C.J. Thana for the entry of his name and his brothers in the revenue records and for the payment of the amount in balance. The court dismissed the suit as no certificate under Pensions Act was taken. The Assistant Judge, Thana to whom an appeal was filed by the applicant held that the Pensions Act does not bar the suit and declared them as owners of 1/3rd share in the Inam village of Kudli and of its income in their own right. Since it has been decided to cancel orders contained in G.R. P.& R.D. No. 821, dated 8-5-1936, and to declare the grant heritable, partible and alienable at will, there is no objection to cancel the orders issued in G.R. Political & Services Department No. 821/34 dated 1-9-1942, and to direct

the Collector or Kolaba to enter the name of the applicant and his brothers in the record of rights and to make the payments of the dues to the applicants The view taken by the Political & Services Department in para 5 of its note is correct.

4. In the linked case No. III which relates to the Saranjam village of Kutre in the Ratnagiri District, the Courts of the sub-judge at Sangameshwar and of the District Judge at Ratnagiri have held that the Kutre Saranjam is of the Royal share of revenue and not of the soil and the division of lands is not objectionable. It is therefore proposed by the Collector to declare the lands as ordinary Inam lands heritable, partiable and alienable at will In view of R.L.A.'s opinions referred to above there is no objection to enter the name of Shri Pratapji Raje Shirke in Government records of the village Kutre. If he is not able to recover his dues from his tenants and occupants then it is for him to approach the revenue authorities under section 86 of the Land Revenue Code for assistance. The view taken by Political & Services Department in paras 2 and 3 of its note dated 2-8-1950 is correct.

Id/- (P.M.L.)
26/9
Remembrancer of Legal Affairs.

U.O.R. to P. & S.D.No. 13654, dated the
27th September 1950.

R.D.P.
22/6/56

S.C.

Legal Department.

Under Rule 2 of the Saranjam Rules framed by the Kolhapur Government power to continue the Saranjam to a person who has been adopted with the sanction of Govern ment vests in Government. Under Rule 5 of the Vat-Hukums at page 823 Volume II, "the custom of taking the previous sanction of Government for adoption is main-tained. However, in cases where adoption has validly taken place without the prior sanction of Government, Government has the power to recognise it on payment of Nazrana equal to 1 year's income". It is clear from t this Rule that even post facto sanction can be given by Government to adoption provided the adopted pays a Nazrana equal to 1 year's income. In the present case it appears that the validity of the adoption of the applicant has been challenged by the junior widow of the late Shri Bala Maharaj, the last holder of the Saranjam estate and in view of the fact that the senior widow who is alleged to have adopted the petitioner died within 4 days after adoption lends support to the contentions of the junior widow that the adoption is suspicious. It would therefore be proper to leave the matter to be decided by the Civil Court. If the petitioner obtains a declaration from the Court that he is the validly adopt-ed son of Shri Bala Maharaj, it would be open to the Government to give sanction to his adoption on payment of a Nazrana equal to 1 year's income and to recognise him as the heir of the late Shri Bala Maharaj.

Id/- (J.R.D.)
24/10
Additional Secretary to Government.

U.R. to P.& S.D.No.14772, dated the 25th October 1950.

R.P.P.
221615.
S.C.